

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHELLE SHAFFER,)	
)	Civil Action No. 12-319
Plaintiff,)	
)	Judge Nora Barry Fischer
v.)	
)	
RUBY TUESDAY, INC.,)	Re: ECF No. 7, 16
)	
Defendant.)	

MEMORANDUM ORDER

Plaintiff filed her Complaint on March 15, 2012 and was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court.

The Magistrate Judge's Report and Recommendation (ECF No. 16) filed on November 26, 2012, recommended that the Motion to Dismiss filed by Defendant Ruby Tuesday, Inc. be denied. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, the parties had fourteen (14) days from the date of service to file objections to the Report and Recommendation. No Objections were filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 31st day of January, 2013, it is hereby **ORDERED** that the Motion to Dismiss (ECF No. 7) filed by Defendant Ruby Tuesday, Inc. is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 16) of Chief Magistrate Judge Lenihan, dated November 26, 2012, is adopted as the Opinion of the Court.

BY THE COURT

s/Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: All counsel of record
Via Electronic Mail